

# UNITY

Freedom to Strike Bulletin #1 ★ 24 April 2007

## We need more rights to strike, says union leader

by Grant Brookes

### "We need the right to take strike action over outsourcing."

That's the view of Jill Ovens, the Service & Food Workers Union (SFWU) leader who's heading a campaign to stop pay cuts at Air NZ.

The national airline announced plans last October plans to slash 1,600 airport jobs and contract out baggage handling and check-in operations to a multinational corporation.

Then they told the ground staff to accept cuts in pay and conditions in order to keep the jobs "in-house".

Sadly, the Engineering Printing and Manufacturing Union (EPMU), which represents some of the workers, accepted the cuts.

"This was completely unacceptable to our members," says Jill. SFWU members faced an average pay drop of \$7,000 each.

"The company was holding a gun to our head at a time when we couldn't legally strike."

Despite recommending the cuts, EPMU Industry Organiser for Aviation Strachan Crang agrees.

"Because Air NZ made this announcement during the term of the collective agreement, there's been no real way for members to fight back", he says. "They can't take legal industrial action."

Under Labour's Employment Relations



SFWU Northern Region secretary Jill Ovens.

Act (ERA), it's illegal to strike during the term of a collective employment agreement.

It's also illegal to strike if your boss ignores what's written in the employment agreement.

It's illegal to strike against unfair dismissals, redundancies, government policies that hurt ordinary people, wars or environmental destruction, or in support of other workers under attack.

In fact it's illegal to strike about anything

other than your own pay and conditions – even then, only after 40 days into negotiations.

But employers like Air NZ are allowed to lay off workers, contract out or pressure governments at any time. Is that fair?

It wasn't always this way. Up until 1987, no strikes were illegal under our industrial laws. Work stoppages over lay-offs, unfair treatment or political issues like nuclear ship visits were normal.

National's Employment Contracts Act (ECA) in 1991 banned all this. Labour repealed the ECA nine years later. But they copied all but one of National's anti-strike laws into their ERA.

Jill says that Air NZ have learned that the way to cut pay and conditions in the middle of the term is to threaten to contract out. It's a lesson that other employers will learn, too.

"Employers will use these tactics", says Jill, "and then employment agreements are unenforceable".

While EPMU members have lost out, SFWU members have held onto their pay and conditions for now.

But no worker should be threatened and bullied like the people at Air NZ have been.

The company could only try it because they knew it was against the law for the ground staff to fight back with industrial action.

This has got to change. It's time to reclaim our freedom to strike!

## Solidarity that won 2006 supermarket lockout

**When warehouse workers from Countdown, Foodtown and Woolworths defied a month-long lockout last September, it was a major boost to the whole union movement.**

600 distribution workers showed that union power can stand up to a huge multinational corporation.

They won because of an outpouring of support from ordinary

New Zealanders. Thousands took their shopping elsewhere for the duration and \$250,000 was donated to the National Distribution Union's lockout fund.

But key to the victory was "guerilla" solidarity action by other workers – and threats of more from union leaders. This could've been judged illegal.

Under Labour's Employment Relations Act, any reduction in

normal work by a group of employees counts as a "strike", and solidarity strikes are against the law.

So the refusal by one group of workers to dispatch sugar for the first two weeks of the lockout could have been an illegal strike. So could the actions of waterfront workers who "lost" containers bound for the supermarkets.

When Council of Trade Unions president Ross Wilson called on unionists not to handle goods in place of the locked out workers, he could have landed up in court.

Standing together to stop workers being bullied by a rich and powerful corporation should not be a crime. The law against solidarity strikes needs to be repealed.

# JAILED FOR STRIKING IN 2007?

## Did you know...?

### ■ There's a \$40,000 fine for "illegal" strikes?

And that's "per offence" (eg, each time you say "no" when told to go back to work). The maximum fine has been *increased* from \$10,000 in National's Employment Contracts Act.

### ■ You could lose your house, or go to jail?

If you don't pay the fine, the courts can seize all your assets. You can also be jailed for up to three months.

### ■ Your union could be bankrupted for supporting strikes?

Their assets can be seized, too.

### ■ No-one's ever been prosecuted?

Workers only strike when they're strongly convinced of the justice of their action – especially if it's over something outside their collective agreement.

If they're convinced, the public can probably be convinced, too.

Bosses and governments have been too nervous to prosecute dozens of "illegal" strikes for fear of inflaming the situation.

### ■ The Party that passed these laws is called 'worker-friendly'?

It's outrageous that laws from out of the Dark Ages like these were passed by Labour.

# Fishy smell

When the National Party expresses support for Labour's industrial relations law, you know something's fishy.



National leader John Key

The party still threatens to chip away at the few rights we have.

"But the days of the Employment Contracts Act are past", says their IR spokesperson, Kate Wilkinson. "National does not intend to repeal the current Employment Relations Act".

Party leader John Key explains why. "The Employment Relations Act is 85 percent a rewrite of the Employment Contracts Act anyway", he says.

Workers deserve better from Labour than repackaged National policies.

# Right to strike 'no. 1 battle cry'

by Graeme Young, National Distribution Union organiser (abridged)

### The lockout of Progressive workers last year raised a number of important issues

Money contributions, attendance at picket lines and moving resolutions on the job – including the boycott of stores – were all positive outcomes.

But the one issue that prolonged the lockout was the repressive law stopping strike action in support of the locked out workers.

The current law says that

ANY action outside normal duties is considered strike action. That meant that other workers were forced to do the work locked out workers would have done.

The union movement in New Zealand needs the right to strike to be its number one battle cry.

The only time it is legal under the Employment Relations Act to take any sort of action is just before and following the expiry of the collective agreement.

This effectively restricts the ability of workers to improve conditions on the job outside of

negotiations.

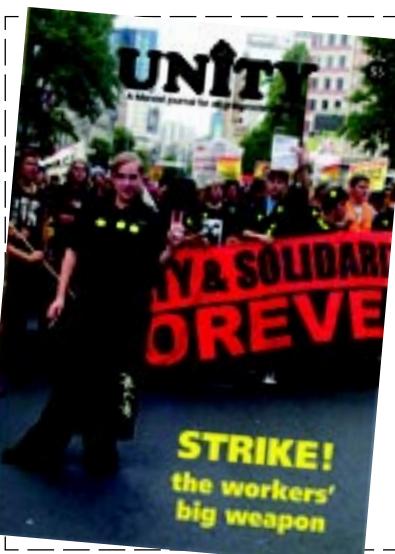
My belief is that the union movement has no choice if it is to grow. It must embrace a struggle culture. At the top of its demands needs to be the right to strike at any time.

To progress that demand will require more so-called "illegal" action.

This is how unions have defeated bad laws in the past, and this is how unions will become more relevant to workers in the future.

These are my own views and not necessarily those of the NDU.

**This bulletin is issued by Socialist Worker. We want the anti-strike laws in Labour's Employment Relations Act repealed. We're campaigning for the Council of Trade Unions to call a national conference, open to all unionists, to launch a repeal campaign. Interested? Email [freedomtostrike@paradise.net.nz](mailto:freedomtostrike@paradise.net.nz) or call/txt 021-053 2973.**



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## You said it!

*"Restricting the right to strike is an attack on a fundamental human right – the right of people to defend or improve their working conditions."*

● Call-centre worker, Auckland

*"Without the right to strike, a worker facing the boss is stepping into the ring with both hands tied behind their back. The bosses are free to get together and work as a team – why don't we have the same right?"*

● Office worker, Auckland

*"We got a national collective and good pay rise in 2005, thanks to support from other unions. We should be able to return the favour and take action to support people – like hospital cleaners – who now want the same."*

● Nurse, Wellington

**What do you think? Email [freedomtostrike@paradise.net.nz](mailto:freedomtostrike@paradise.net.nz)**  
**All responses treated anonymously.**